

Application No. 10/771,083  
Reply to Office Action mailed December 30, 2005

### **REMARKS**

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

By this Amendment, claims 1-3, 16, 24, and 29 are cancelled without disclaiming or waiving the subject matter contained therein, and claims 4, 11, 27, 28, and 30 are amended. Claims 1-15, 22, 23, 25-27, and 30-40 are now pending in view of the above amendments.

In the Office Action, claims 1, 2, 4, 5, 7-9, 11-15, 28, and 31-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,019,769 to Levinson, and claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Levinson in view of U.S. Patent No. 6,802,654 to Roberts et al. ("Roberts"). Applicants appreciate the indication of allowable subject matter in claims 6, 10, 16, 22-27, 29, and 30.

Applicants submit the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicant agrees with the Examiner that the claimed subject matter of claims 6, 10, 16, 22-27, 29, and 30 is patentable over the prior art, but do not adopt the Examiners statement of reasons for allowance as set forth in Office Action. Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicant's do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

Application No. 10/771,083  
Reply to Office Action mailed December 30, 2005

The Examiner has indicated that claims 6, 10, 16, 22-27, 29, and 30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have rewritten claim 27 in an independent format so as to include all of the limitations of the base claim. In particular, the scope of claim 27 has not been narrowed in any way so as to overcome any prior art, but has merely been rewritten in an independent format. As acknowledged by the Examiner, that claim is patentably distinct from the prior art, and is now in a condition for allowance.

Dependent claim 30 has also been rewritten so as to incorporate all of the limitations of the base claim and any intervening claims. As acknowledged by the Examiner, claim 30 is now in a condition for allowance. Similarly, independent claims 4, 11 and 28 have been amended to include subject matter indicated as allowable in the Office Action. Specifically, claim 4 was amended to included the subject matter of claim 24, claim 11 was amended to included the subject matter of claim 16, and claim 28 was amended to include the subject matter of claim 29. Moreover, for at least the same reason, claims now depending from claims 4, 11, and 28 – namely, claims 5-10, 12-15, 22-26, and 31-40 – are also in a condition for allowance.

In summary, claims 4-15, 22, 23, 25-28, and 30-40 are now pending in view of the above amendments, and all are patentably distinct from the prior art. Allowance of each of these claims is respectfully requested.

#### **Rejection Under 35 U.S.C. §102(a/b/e)**

Applicants traverse the rejection of claims 1, 2, 4, 5, 7-9, 11-15, 28, and 31-40 under 35 U.S.C. § 102(b) as being anticipated by Levinson. As discussed above, claims 4, 5, 7-9, 11-15, 28, and 31-40 are allowable as including subject matter indicated in the Office Action as allowable. Claims 1 and 2 were canceled, obviating the rejection of those claims. As previously indicated claims 4, 5, 7-9, 11-15, 28, and 31-40 are in condition for allowance.

#### **Rejection Under 35 U.S.C. § 103**

Applicants traverse the rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Levinson in view of Roberts. Claim 3 has been canceled obviating the rejection.

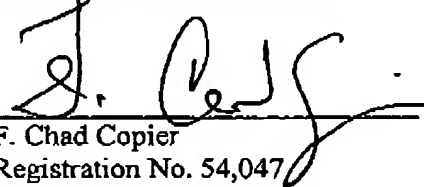
Application No. 10/771,083  
Reply to Office Action mailed December 30, 2005

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned if the Examiner believes that a telephone interview or Examiner's amendment will further the prosecution of this application.

Respectfully submitted,

WORKMAN NYDEGGER



F. Chad Copier

Registration No. 54,047

Attorney for Applicant

Customer No. 022913

Telephone: (801) 533-9800

Dated: May 30, 2006

W:\15436\171-1\ML0000003027V002.doc